

**IN THE UNITED STATES DISTRICT COURT FOR  
THE WESTERN DISTRICT OF NORTH CAROLINA  
Charlotte Division**

ROBERT LOWINGER, Individually and On )  
Behalf of All Others Similarly Situated, )

Plaintiff, )

v. )

EUGENE B. JOHNSON, DANIEL G. )  
BERGSTEIN, KELSO INVESTMENT )  
ASSOCIATES V, L.P., KELSO EQUITY )  
PARTNERS V, L.P., FRANK K. BYNUM, )  
JR., GEORGE E. MATELICH, KELSO & )  
COMPANY and FAIRPOINT )  
COMMUNICATIONS, INC., )

Defendants. )

**Case No. 3:05CV316-H**

**PRELIMINARY  
SCHEDULING ORDER RELATING TO  
DEFENDANTS' MOTION TO DISMISS**

The Court hereby orders as follows:

The Plaintiff shall have up to and until January 6, 2006 in which to respond to  
Defendants' Motion to Dismiss; and

Defendants shall have up to and until January 24, 2006 in which to file their Reply Brief.

**SO ORDERED.**

Signed: December 15, 2005

*Carl Horn, III*

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Carl Horn, III  
United States Magistrate Judge

